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ZONING HEARING EXAMINER

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Ms. Linda Walter, one of the Applicants and current owners of the subject parcel, appeared and testified that she lives at 3028 Lochary Road, adjacent to the subject property, and that she has done so since 1967. She has owned the property for approximately 4 years, having received the property from her parents who had lived there previously.

Case No. 5002 - Walter & Linda Walter

Ms. Walter testified that the home on the property was constructed in the late 1940's and was the primary dwelling on the 11.4 acre parcel. At this time, the Applicants wish to create a lot around the existing home, while at the same time maintain existing outbuildings, pasture, farm and woodland for their own operation as a farmette. The Applicants currently maintain livestock on the property and wish to continue to do so. The location of the existing outbuildings, in relationship to the dwelling, necessitates the creation of an oddly shaped, unique lot, with a narrow configuration. Ms. Walter testified that there would be no detrimental effect on adjacent properties, particularly since the parcel is surrounded almost entirely by Palmer State Park. According to Ms. Walter, there are no adjoining residences, other than her own. She had reviewed the Staff Report from the Department of Planning and Zoning and is willing to comply with the conditions recommended, as well as any other conditions imposed by the Hearing Examiner.

Mr. Eric Schmitt, President of Highland Survey Associates Inc., appeared and testified that he has been a surveyor for over 22 years and that he prepared the proposed site plan for the subject parcel. He testified that the variances were necessary because the Applicants wanted to create a lot around Ms. Walter's father's house, while maintaining the integrity of the remainder of the property. The Applicants wanted to preserve the viable agricultural buildings and to do so, it was necessary to reduce the standard lot width. Without the requested variance to reduce the minimum lot width, the Applicants' ability to operate their farmette would be impaired, resulting in hardship and practical difficulty to the Applicants. Mr. Schmitt noted that there would be no substantial detriment to any adjoining properties and no material impairment to the purpose of the Code due to the fact that the adjacent properties cannot be developed and there would be no visual impact or visible change in the site if the variances were approved. Due to the unique characteristics of the property, including very limited frontage, it is necessary to obtain the requested variances in order to create the lot and retain the operation of the farmette.

Case No. 5002 - Walter & Linda Walter

Mr. Anthony McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified that the subject property is unique based upon its shape and the location of existing viable agricultural structures in relation to the dwelling on the property. As noted in the Staff Report, Mr. McClune testified that, in order to create the lot and maintain the majority of the farm buildings and improvements on the remaining lands, the variances requested from the minimum lot width and side yard setback appear to be justified. Mr. McClune went on to state that the Department recommended approval of the two variances, provided that the Applicants submit a detailed Preliminary Plan, as well as a final plat, and that the final plan must comply with all other County and State regulations for the subdivision. There were no witnesses who testified in opposition to the request.

CONCLUSION:

The Applicants are requesting two variances from Section 267-34(C), Table II of the Harford County Code, to create a lot with less than the required 40 foot side yard setback and with less than the required 200 foot minimum lot width in an Agricultural District to allow them to continue to operate their farmette separate from the dwelling located on the subject parcel. They are proposing a 7 foot variance from the side yard setback, which would result in a 33 foot setback, as well as a 90 foot variance from the minimum lot width requirement, leaving a proposed lot width of 110 feet.

The uncontradicted evidence was that the subject parcel is unique because of its shape as well as the location of numerous viable agricultural outbuildings in relationship to the dwelling which already exists on the property. The evidence also demonstrated that approval of the variances would not be substantially detrimental to adjacent properties or materially impair the purpose of the Code since the parcel is surrounded by park land and another parcel owned by the Applicants themselves.

Case No. 5002 - Walter & Linda Walter

Therefore, it is the recommendation of the Hearing Examiner that the variances to the required minimum side yard setback and the required minimum lot width as shown on the Applicants' site plan be approved, subject to the following conditions:

1. The applicants submit a detailed Preliminary Plan for review and approval by the Department of Planning and Zoning;
2. A final plat shall be submitted for approval and recordation;
3. The Applicants shall comply with all other County and State regulations for the subdivision.

Date MARCH 9, 2000

Valerie H. Twanmoh
Zoning Hearing Examiner